

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jake RACHAL

Serial No.: 10/723,149

Filing Date: November 26, 2003

For: HAIR STRAIGHTENING DEVICE



Group Art Unit: 3742

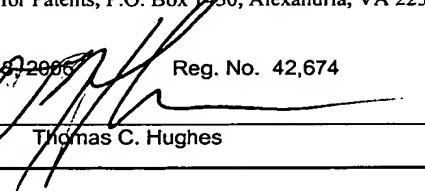
Examiner: Vinod Patel

Confirmation No.: 9233

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: July 13, 2006 Reg. No. 42,674

Signature: 
Thomas C. Hughes

TRANSMITTAL FOR PETITION UNDER 37 C.F.R. § 1.181(a)

SIR:

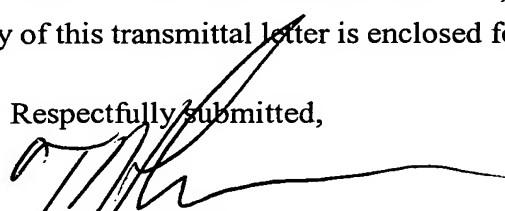
Transmitted herewith is a Petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment in connection with the above-captioned application.

Please note additionally enclosed the following which accompany this response:

- 1) A copy of the Notice of Appeal, evidencing by the date stamp at the Office its receipt by the Office on October 24, 2005; and
- 2) A copy of the RCE filed on May 23, 2005 along with the amendment and request for five-month extension of time.

It is believed that no fees are required in connection with this Petition. However, if any fees are required in connection with this Petition, the Commissioner is hereby authorized to charge any and all such fees to the deposit account of KENYON & KENYON LLP, Deposit Account No. 11 0600. A duplicate copy of this transmittal letter is enclosed for that purpose.

Dated: July 13, 2006

Respectfully submitted,

By: _____

Thomas C. Hughes
Reg. No. 42,674

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jake RACHAL

Serial No.: 10/723,149

Filing Date: November 26, 2003

For: HAIR STRAIGHTENING DEVICE



Group Art Unit: 3742

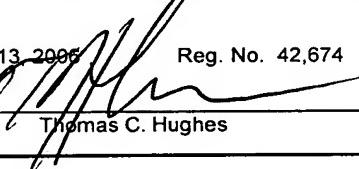
Examiner: Vinod Patel

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Date: July 13, 2006 Reg. No. 42,674

Signature: 
Thomas C. Hughes

**PETITION UNDER 37 C.F.R. § 1.181(a) TO
WITHDRAW THE HOLDING OF ABANDONMENT**

SIR:

Applicant hereby requests and petitions under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment in connection with the above-captioned application.

A Notice of Abandonment was mailed by the Office on June 2, 2006 and states that the application is abandoned because "Applicant's failure to timely file a proper reply to the Office letter mailed on April 20, 2005."

Applicant filed on October 20, 2005, a "Notice of Appeal and Request for Extension of Time Pursuant to 37 C.F.R. §1.136(a)" ("Notice"), which was received by the Office on October 24, 2005. A copy of the Notice, evidencing by the date stamp at the Office its receipt by the Office on October 24, 2005, is attached herewith. The deadline for filing an Appeal Brief or Request for Continued Examination ("RCE") was December 24, 2005. On May 23, 2006, Applicant filed an RCE and amendment, which submission requested a five-month extension of time, extending the time for response to May 24, 2006. A copy of the RCE and amendment along with the request for five-month extension (having authorization to charge the necessary fees to the deposit account of Kenyon & Kenyon LLP, deposit account number 11-0600) is also attached herewith.

Since Applicant's submission of RCE on May 23, 2006, was within the extended time for response of May 24, 2006, it is respectfully submitted that the holding of abandonment of the present application was in error, and Applicant hereby petitions to withdraw the holding of abandonment.

The Notice of Abandonment indicates that “[c]alled Hughes Thomas on 5/26/06 and hea [sic] said no appeal brief submitted.” It is believed that such indication was made in error.

It is believed that no fees are required in connection with this Petition. However, if any fees are required in connection with this Petition, the Commissioner is hereby authorized to charge any and all such fees to the deposit account of KENYON & KENYON LLP, Deposit Account No. 11-0600.

Respectfully submitted,



Thomas C. Hughes
Reg. No. 42,674

Date: July 13, 2006

By:

KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

CUSTOMER NO. 26646



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**NOTICE OF APPEAL AND REQUEST
FOR EXTENSION OF TIME
PURSUANT TO 37 C.F.R. § 1.136(a)**

Application Number 10/723,149	Filing Date November 26, 2003	Examiner Vinod D. Patel	Art Unit 3742
Title HAIR STRAIGHTENING DEVICE	Applicant(s) Jake RACHAL		

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

Date: October 20, 2005

Signature:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner, mailed on April 20, 2005, that finally rejected claims 1-4, 6-8 and 18.

The Commissioner is hereby authorized to charge the 37 C.F.R. § 41.20(b) Notice of Appeal fee, believed to be \$250.00 (small entity), to the deposit account number 11-0600 of Kenyon & Kenyon.

Applicant hereby requests a three-month extension of time to respond to the Final Office Action dated April 20, 2005, which set a three-month period for response, or until July 20, 2005. The extended period for response expires on October 20, 2005. Please charge the small entity three-month extension fee of \$510.00 to the deposit account of Kenyon & Kenyon, Deposit Account 11-0600.

The Commissioner is hereby authorized as appropriate and/or necessary, to charge any additional fees, including any Rule 136(a) extension fees, or credit any excess fees to deposit account number 11-0600 of Kenyon & Kenyon. A copy of this paper is enclosed for this purpose.

Dated: October 20, 2005

By:

Thomas C. Hughes (Reg. No. 42,674)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)

CUSTOMER NO. 26646

10/25/2005 MBELETE1 00000001 110600 10723149

01 FC:2401 250.00 DA
02 FC:2253 510.00 DA



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. 12871/1	APPLICATION SERIAL NO. 10/723,149	EXAMINER Vinod Patel	ART UNIT 3742
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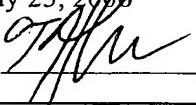
INVENTOR(S): **Jake RACHAL**

Address to:

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

Date: **May 23, 2006**

Signature:  Reg No. 43,674

This is a **request for continued examination** under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. **10/723,149**, filed on **November 26, 2003**, entitled **HAIR STRAIGHTENING DEVICE**.

The following constitute the submission required by 37 C.F.R. § 1.114(a) and is attached:

- Amendment
- Information Disclosure Statement and Form PTO-1449
- Drawing Changes
- Other Submission:

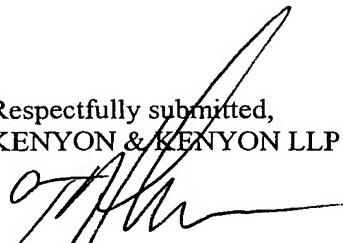
1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE						790.00
TOTAL CLAIMS	5		20	0	x \$50.00	0.00
INDEPENDENT CLAIMS	1		3	0	x \$200.00	0.00
MULTIPLE DEPENDENT CLAIM	0		0	0	\$360.00	0.00
				Number extra must be zero or larger	TOTAL	790.00
	If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL	395.00

2. Please charge the required small entity RCE and submission filing fee of \$395.00 to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.
3. Applicant respectfully requests a **five-month** extension of time in which to respond to the Final Office Action dated April 20, 2005. Applicant filed a Notice of Appeal on October 20, 2005, which was received by the U.S. Patent & Trademark Office on October 24, 2005. The deadline for filing an Appeal Brief or Request for Continued Examination ("RCE") was December 24, 2005. Applicant herewith requests a five-month extension of time, extending the time for response to **May 24, 2006**. The Commissioner is hereby authorized to charge **\$1080.00** (the small entity 37 C.F.R. § 1.136(a) five-month extension fee) to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.
4. The Commissioner is also authorized to charge payment of any additional fees (including any extension fees) required in connection with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account of Kenyon & Kenyon LLP, deposit account number **11-0600**.
5. A duplicate of this transmittal form is enclosed.

Dated: May 23, 2006

By: Respectfully submitted,
KENYON & KENYON LLP



Thomas C. Hughes (Reg. No. 42,674)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
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CUSTOMER NO. 26646



12871/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Jake RACHAL

Examiner: Vinod Patel

Serial No.: 10/723,149

Art Unit: 3742

Filed: November 26, 2003

Conf. No.: 9223

For: HAIR STRAIGHTENING DEVICE

Address to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: May 23, 2006

Reg. No. 42,674

Signature:

Thomas C. Hughes

AMENDMENT

This addresses the Final Office Action of April 20, 2005. Applicant filed a Notice of Appeal on October 20, 2005, which was received by the U.S. Patent & Trademark Office on October 24, 2005. The deadline for filing an Appeal Brief or Request for Continued Examination ("RCE") was December 24, 2005. Applicant herewith files an RCE and requests a five-month extension of time, extending the time for response to May 24, 2006.

Initially, kindly amend the above-captioned application without prejudice as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A hair straightening device comprising:
a handle;
a base portion having a proximal end adjacent to the handle, a distal end and a surface;
a plurality of bristles extending from the surface of the base portion, each of the plurality of bristles having a tip;
a heating element extending between the proximal end and the distal end of the base portion, the heating element being substantially flat when viewed in cross-section and having a heated surface, the heating element being that is flat across a width of the heated surface and that is positioned between the surface of the base portion and the tips of the bristles.
2. (Original) The hair straightening device of claim 1, further comprising a power source for providing power for heating the heating element.
3. (Original) The hair straightening device of claim 2, wherein the power source includes an electric cord configured to be plugged into an electrical outlet.
4. (Withdrawn) The hair straightening device of claim 2, wherein the power source includes a battery housed within the device.
5. (Canceled)
6. (Withdrawn) The hair straightening device of claim 1, wherein the heating element is curved.
7. (Withdrawn) The hair straightening device of claim 1, wherein the heating element is positioned between rows of bristles.
8. (Original) The hair straightening device of claim 1, wherein the heating element is configured to be heated to a temperature between 150°F and 600°F.
9. (Withdrawn) The hair straightening device of claim 1, wherein the heating element is adjustable.
10. (Withdrawn) The hair straightening device of claim 9, wherein the heating element is adjustable between the surface of the base portion and the tips of the bristles.

))
11. (Withdrawn) The hair straightening device of claim 1, further comprising a second heating element.

12. (Withdrawn) The hair straightening device of claim 11, wherein the second heating element is positioned between rows of bristles.

13. (Canceled)

14. (Withdrawn) The hair straightening device of claim 13, further comprising a bristle attachment, the bristle attachment configured to be attachable to the heating element positioned at a lateral edge of the base portion.

15. (Withdrawn) The hair straightening device of claim 1, wherein the heating element has one or more openings, wherein at least one bristle is configured to extend through the openings.

16. (Withdrawn) The hair straightening device of claim 15, wherein the heating element is adjustable such that the at least one bristle is configured to extend through the openings.

17. (Canceled)

18. (Original) The hair straightening device of claim 1, wherein the device includes more than one row of bristles so as to be configured as a brush.

19. (Withdrawn) The hair straightening device of claim 1, wherein heating element defines grooves configured to guide hair.

Remarks

I. Introduction

With the withdrawal without prejudice of claims 4, 6 and 7, claims 1-3, 8 and 18 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objection to Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. As an initial matter, claims 4, 6 and 7 have been withdrawn without prejudice herein, therefore Applicant respectfully maintains that the objection with respect to these claims are moot.

While 37 C.F.R. § 1.83(a) requires that a drawing “show every feature of the invention specified in the claims,” it also provides that “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention” should be — but are not required to be — “illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation.” The recited features of claim 1 are clearly disclosed in the accompanying figures, description and in the claims, and that further illustration of any such features beyond what is already illustrated in the accompanying figures is not essential and is not required for a proper understanding of the claims. For example, the feature of “the heating element being substantially flat when viewed in cross-section” is expressly described at page 5, lines 12-14 of the Specification and a person of skill in the art would not require an illustration beyond that already illustrated in the accompanying figures in order to have a proper understanding of the invention.

In view of the foregoing, it is respectfully submitted that the objections to the drawings have been obviated, and withdrawal of these objections is therefore respectfully requested.

III. Rejection of Claims 1-4, 6-8 and 18

Under 35 U.S.C. § 112, First Paragraph (Enablement)

Claims 1-4, 6-8 and 18 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Applicant respectfully maintains that all of the claims are adequately enabled. However, for the purposes of expediting the prosecution of

this application, Applicant has withdrawn claims 4, 6 and 7 herein without prejudice. Therefore, Applicants respectfully request that this rejection be withdrawn with respect to these claims.

As to claim 1, the Examiner maintains that “the specification … does not reasonably provide enablement for ‘the heating element having a heated surface that is flat across a width of the heated surface’ [and] does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with [the] claims.” Applicant has amended claim 1 herein without prejudice to delete the language objected to by the Examiner, and to instead recite “the heating element being substantially flat when viewed in cross-section,” which is expressly described at page 5, lines 12-14 of the Specification, as admitted by the Examiner at page 3 of the Final Office Action.

Thus, Applicant respectfully maintains that the Specification and the claims are sufficiently enabling so as to enable any person skilled in the art to make and use the invention without undue experimentation.

**IV. Rejection of Claims 1-3, 6-7,
13 and 18 Under 35 U.S.C. § 102(b)**

Claims 1-3, 6-7, 13 and 18 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,217,915 (“Gress”). Applicant respectfully submits that Gress does not anticipate the present claims for the following reasons. As an initial matter, claims 6 and 7 have been withdrawn without prejudice, and the rejection of this claim is moot.

Claim 1 relates to a hair straightening device. Claim 1 recites that the hair straightening device includes a handle, and a base portion having a proximal end adjacent to the handle, a distal end and a surface. Claim 1 also recites that the device includes a plurality of bristles extending from the surface of the base portion, each of the plurality of bristles having a tip. Also, claim 1 recites that the device includes a heating element extending between the proximal end and the distal end of the base portion. Claim 1 has been amended herein without prejudice to recite the heating element being substantially flat when viewed in cross-section. Support for this amendment can be found, for instance, at page 5, lines 12-14 of the Specification which states that “the hair straightening device 10 has a heating element 20 … that is substantially flat when viewed in cross-section.” Claim 1 also recites that the heating element has a heated surface. Claim 1 also recites that the heating element is positioned between the surface of the base portion and the tips of the bristles.

It is respectfully submitted that Gress does not anticipate claim 1 for at least the reason that Gress does not disclose, or even suggest, all of the features recited in claim 1. For example, Gress does not disclose, or even suggest, a heating element being substantially flat when viewed in cross-section and that is positioned between the surface of the base portion and

the tips of the bristles, as recited in claim 1. The Specification states at page 9, lines 7-8 that “unlike with conventional hair straightening devices, the heat needed to relax the hair is not being used in conjunction with excessive force, pulling, or pressing.” The Specification also states at page 9, lines 9-10 that “[a]fter contacting the heating element, the hair is caused to be straightened and smoothed for a long-lasting style.”

Gress describes that “[t]he brush body 2 has a hollow outer cover or jacket 8, made of a material which is a good conductor of heat, for example metal [and] uniformly distributed over the circumference, in longitudinal as well as circumferential direction, are stubs or projections 10; in their simplest form, they are made of the same material as the cover 8 and are formed therewith as one single integral casting or molding, or are otherwise attached to the body 8.” Col. 2, lines 23-32. Gress also states that “[t]he stubs 10 are formed with radial bores which receive at least one bristle 1.” Col. 2, lines 32-34. Also, Gress states that “[t]he bristles 1 are made of a material which is a poor heat conductor, for example a plastic, or are natural bristles.” Col. 2, lines 34-36. Thus, the only heated surface that is located between the surface of the body 8 and the tips of the bristles 1 are the stubs 10, which do not have a width and furthermore are not flat across any portion thereof. The Examiner maintains that jacket 8 constitutes a flat heating element; however, the jacket 8 forms the surface of the base portion and therefore cannot constitute a heating element that is positioned between the surface of the base portion and the tips of the bristles. Even if the jacket 8 could be so considered (which it should not be), the jacket 8 is curved, not substantially flat, when viewed in cross-section, as shown in Figure 3 of Gress.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Gress does not anticipate claim 1, because Gress does not disclose, or even suggest, all of the features recited in the claim.

As for claims 2-3 and 18, each of which ultimately depends from and includes all of the limitations of claim 1, it is respectfully submitted that Gress does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 1.

V. Rejection of Claims 1-4, 7, and 18 Under 35 U.S.C. § 102(b)

Claims 1-4, 7 and 18 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,064,993 (“Hashimoto”). Applicants respectfully submit that Hashimoto does not anticipate the present claims for the following reasons. As an initial matter, claims 4 and 7 have been withdrawn without prejudice, and the rejection of these claims are moot.

It is respectfully submitted that Hashimoto does not anticipate claim 1 for at least the reason that Hashimoto does not disclose, or even suggest, all of the features recited in claim 1. For example, Hashimoto does not disclose, or even suggest, a heating element being substantially flat when viewed in cross-section and that is positioned between the surface of the base portion and the tips of the bristles, as recited in claim 1.

Hashimoto describes that “between the comb tooth plates 1a and 1b an electrical heating wire 3 is provided which extends in the longitudinal direction of the hair treatment implement in the vicinity of the base portions of the comb teeth.” Col. 3, lines 9-11. Hashimoto further states that “[t]he comb tooth portion 1 and the hand grip 2 are made of a heat-resisting resin material, similar to the heater cassette 30.” Col. 4, lines 14-16. **The only heating element is the heating wire 3, which is not located between the surface of a base and the tips of bristles.** Furthermore, the heating wire 3 is repeatedly described as being “string”-like in shape, and therefore **the heating wire 3 is round when viewed in cross-section, not flat** as required by the claim.

Therefore, it is respectfully submitted that Hashimoto does not anticipate claim 1, because Hashimoto does not disclose, or even suggest, all of the features recited in the claim. As for claims 2, 3 and 18, each of which ultimately depends from and includes all of the limitations of claim 1, it is respectfully submitted that Hashimoto does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 1.

VI. Rejection of Claim 8 Under 35 U.S.C. § 103(a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gress or Hashimoto in view of U.S. Patent No. 6,053,180 (“Kwan”). It is respectfully submitted that the combination of Gress or Hashimoto and Kwan does not render obvious the present claims herein for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28

U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Applicants respectfully submit that the combination of Gress or Hashimoto and Kwan does not render obvious claim 1, from which claim 8 depends, for at least the reasons that the combination of Gress or Hashimoto and Kwan fails to disclose, or even suggest, all of the limitations recited in claim 1, from which claim 8 depends. As stated above, neither Gress nor Hashimoto disclose, or even suggest, a heating element being substantially flat when viewed in cross-section and that is positioned between the surface of the base portion and the tips of the bristles, as recited in claim 1. Furthermore, Kwan is not relied upon to disclose or suggest, and in fact does not disclose or suggest, those features of claim 1 that are not disclosed or suggested by Gress or Hashimoto. As shown in Figure 1c of Kwan, there is no heated surface between a base portion and the tips of the bristles 4.

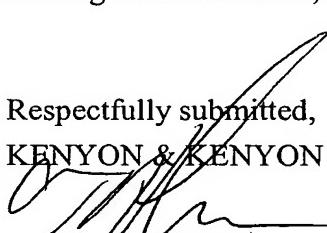
Thus, it is respectfully submitted that the combination of Gress or Hashimoto and Kwan does not render obvious claim 8, which depends from claim 1. In re Fine, supra (any claim that depends from a non-obvious independent claim is non-obvious).

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Dated: May 23, 2006

Respectfully submitted,
KENYON & KENYON


By: Thomas C. Hughes (Reg. No. 42,674)

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New York, NY 10004
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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. 12871/1	APPLICATION SERIAL NO. 10/723,149	EXAMINER Vinod Patel	ART UNIT 3742
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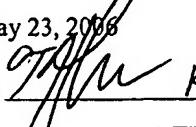
INVENTOR(S): Jake RACHAL

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Date: May 23, 2006

Signature: 

Reg No. 47,674

This is a request for continued examination under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. 10/723,149, filed on November 26, 2003, entitled HAIR STRAIGHTENING DEVICE.

The following constitute the submission required by 37 C.F.R. § 1.114(a) and is attached:

Amendment

Information Disclosure Statement and Form PTO-1449

Drawing Changes

Other Submission:

1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE					x \$50.00	790.00
TOTAL CLAIMS	5		20	0	x \$50.00	0.00
INDEPENDENT CLAIMS	1		3	0	x \$200.00	0.00
MULTIPLE DEPENDENT CLAIM	0		0	0	\$360.00	0.00
				Number extra must be zero or larger	TOTAL	790.00
	If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL	395.00

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01 FC:2801 395.00 DA
02 FC:2255 1080.00 DA

